IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:08-CR-217-FL-1

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This matter is before the court on defendant's motion transcripts at the court's expense (DE 74). The court previously denied a similar motion for transcripts on November 29, 2011. (DE 72).

The circumstances under which the court may provide an indigent criminal defendant a copy of his transcript at the court's expense are addressed by 28 U.S.C. § 753(f). Specifically, § 753(f) states that a free transcript shall be provided to an indigent criminal defendant to bring an action pursuant to 28 U.S.C. § 2255 "if the trial judge . . . certifies that the suit . . . is not frivolous and that the transcript is needed to decide the issue presented by the suit. . . ." 28 U.S.C. § 753(f); see also United States v. MacCollum, 426 U.S. 317, 326 (1976). Additionally, an indigent defendant must make a showing of a particularized need to obtain a free transcript. See United States v. Hill, 34 F. App'x. 942, 943 (4th Cir. 2002). An indigent defendant may not obtain a free transcript "merely to comb the record in the hope of discovering some flaw." United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963).

In this case, defendant's motion for a free transcript does not state any particularized need

for the requested transcripts. Based upon the foregoing, defendant does not meet the requirements for a free transcript under § 753(f), and his transcript request is DENIED.

SO ORDERED, this the 15th day of January, 2014.

LOUISE W. FLANAGAN

United States District Judge